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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

BRANDON AUSTIN,

Plaintiff,

v.

UNIVERSITY OF OREGON; SANDY WEINTRAUB; CHICORA MARTIN; ROBIN HOLMES; and MICHAEL R. GOTTFREDSON, all in their individual capacities only,

Case No. 6:15-cv-02257-MC (Lead Case)
Case No. 6:16-cv-00647-MC (Member Case)

PLAINTIFFS' REPLY TO DEFENDANTS'
RESPONSE TO PLAINTIFFS MOTION FOR
COURT TO RECONSIDER ITS ORDER
DISMISSING PLAINTIFFS' CLAIMS
FOR DUE PROCESS AND

¹ PLAINTIFFS' REPLY MEMORANDUM FOR RECONSIDERATION OF DUE PROCESS AND QUALIFIED IMMUNITY

<p>Defendants.</p> <hr/> <p>DOMINIC ARTIS and DAMYEAN DOTSON,</p> <p>Plaintiffs,</p> <p>v.</p> <p>UNIVERSITY OF OREGON; SANDY WEINTRAUB; CHICORA MARTIN; ROBIN HOLMES; and MICHAEL R. GOTTFREDSON, all in their individual capacities only,</p> <p>Defendants.</p>	<p>QUALIFIED IMMUNITY</p> <p>(Oral Argument Requested)</p>
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Plaintiffs appear by way of this Reply Memorandum to quickly address these salient and succinct points:

1. The inclusion of Plaintiffs' scholarship agreements/contracts in their Motion To Reconsider dispels the notion prompted by Defendants there is not new relevant materials worthy of reconsideration, by simultaneously dispelling the notion there was no benefit or pay or four-year contract for pay supplied by the scholarships similar to the of the medical residency analyzed in Stretten v. Wadsworth Veterans Hosp., 538 F.2d 361 (9th Cir. 1976)
2. Defendants' Response to Plaintiffs' Motion did not question the accuracy or authenticity of the scholarships, thereby accepting them as validly pled at this stage.
3. Defendants did not present for this court's review a copy of the contract for Residency analyzed in Stretten, Supra., or any contract for residency at the University to establish for this court an applicable contrast to Plaintiffs' scholarships as property interest.
4. At this stage of the proceedings, given the absence of any evidence to the contrary, we must accept as valid Plaintiffs' assertion that their scholarships

are an equivalent property interest as that for a medical residency as analyzed in Stretten.

RESPECTFULLY SUBMITTED this 9th day of February 2017,
BY:

ALEX SPIRO, ESQ.
ALEX SPIRO, ESQ.
Pro Hac Vice

s/ BRIAN MICHAELS
BRIAN MICHAELS OSB 925607

Of Attorneys For Plaintiffs